

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0346-MSW-E TCEQ ID: RN105150999 CASE NO.: 32881**  
**RESPONDENT NAME: N.B. Wood Recycling and Construction, Ltd.**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Portable wood grinder ("PWG") at a land clearing operation located on Farm-to-Market Road 2252 about one-quarter mile west of the intersection of Farm-to-Market Road 2252 and Farm-to-Market Road 3009 in Garden Ridge, Comal County</p> <p><b>TYPE OF OPERATION:</b> Land clearing</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received. The complainant alleged dust emissions from a tree grinding operation. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 11, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>Respondent:</b> Ms. Melanie A. Pierce, Business Manager, N.B. Wood Recycling and Construction, Ltd., 11202 Disco, San Antonio, Texas 78216  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-0346-MSW-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review  <b>Date of Complaint Relating to this Case:</b> January 9, 2007  <b>Date of Investigation Relating to this Case:</b> January 11, 2007  <b>Date of NOE Relating to this Case:</b> February 1, 2007 (NOE)  <b>Background Facts:</b> This was a complaint investigation. One violation was documented.  <b>WASTE</b>  Failed to equip the grinder, which was not enclosed in a building, with low-velocity fog nozzles or have portable water equipment available during grinding operations [30 TEX. ADMIN. CODE § 332.8(b)(3) and (4)].	<b>Total Assessed:</b> \$500  <b>Total Deferred:</b> \$100 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay  <b>SEP Conditional Offset:</b> \$0  <b>Total Paid to General Revenue:</b> \$400  <b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <b>Applicable Penalty Policy:</b> September 2002	<b>Ordering Provisions:</b>  The Order will require the Respondent to:  a. Immediately upon the effective date of this Agreed Order, provide low-velocity fog nozzles or portable water equipment during grinding operations when using any grinder that is not enclosed inside a building, in accordance 30 TEX. ADMIN. CODE § 332.8(b)(3) and (4); and  b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Feb-2007	<b>Screening</b>	7-Mar-2007	<b>EPA Due</b>	
	<b>PCW</b>	7-Mar-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	N.B. Wood Recycling and Construction, Ltd.		
<b>Reg. Ent. Ref. No.</b>	RN105150999		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	32881	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2007-0346-MSW-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Municipal Solid Waste	<b>Enf. Coordinator</b>	Michael Meyer	
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 8	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement **Subtotals 2, 3, & 7** \$0

**Notes** The Respondent didn't receive any NOV's or orders for this site during the previous five years.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**Subtotal 6** \$0

**Total EB Amounts** \$27  
**Approx. Cost of Compliance** \$500  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$500

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** \$500

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$500

**DEFERRAL** 20% Reduction **Adjustment** \$100

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited cases

**PAYABLE PENALTY** \$400

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the implementation of the proposed changes. It details the steps involved in the rollout process, from initial planning to final execution. This section also addresses potential challenges and provides strategies to overcome them, ensuring a smooth transition for all stakeholders.

3. The third part of the document discusses the long-term impact of the changes. It highlights the expected benefits, such as increased efficiency and cost savings, and provides a timeline for when these benefits are anticipated to be realized. This section also includes a summary of the key findings and recommendations for future action.

4. The final part of the document provides a conclusion and a call to action. It reiterates the importance of the changes and encourages all employees to embrace the new system. This section also includes a list of resources and contact information for further assistance.

Screening Date 7-Mar-2007

Docket No. 2007-0346-MSW-E

PCW

Respondent N.B. Wood Recycling and Construction, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 32881

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105150999

Media [Statute] Municipal Solid Waste

Enf. Coordinator Michael Meyer

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The Respondent didn't receive any NOVs or order for this site during the previous five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

...the ... of ...  
...the ... of ...  
...the ... of ...

Screening Date 7-Mar-2007

Docket No. 2007-0346-MSW-E

PCW

Respondent N.B. Wood Recycling and Construction, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 32881

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN105150999

Media [Statute] Municipal Solid Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 332.8(b)(3) and (4)

Violation Description

Failed to equip the grinder, which was not enclosed in a building, with low-velocity fog nozzles or have portable water equipment available during grinding operations, as documented during an investigation conducted on January 11, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500





## Economic Benefit Worksheet

**Respondent** N.B. Wood Recycling and Construction, Ltd.

**Case ID No.** 32881

**Reg. Ent. Reference No.** RN105150999

**Media** Municipal Solid Waste

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment	\$500	11-Jan-2007	15-Oct-2007	0.8	\$1	\$25	\$27
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to either install low velocity fog nozzles or rent portable water equipment. The Date Required is the date of the investigation and the Final Date is the estimated compliance date.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$27



## Compliance History

Customer/Respondent/Owner-Operator:	CN603123910	N.B. Wood Recycling and Construction, Ltd.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN105150999	GRINDER NUMBER 1460	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):				
Location:	ON FM 2252 ABOUT 0.25 MILES WEST OF THE INTERSECTION OF FM 2252 AND FM 3009 IN GARDEN RIDGE, COMAL COUNTY			Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	March 15, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 16, 2002 to March 15, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Michael Meyer Phone: (512) 239-4492

### Site Compliance History Components

- |  |            |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes        |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### Components (Multimedia) for the Site :

- |                        |   |  |
|------------------------|---|--|
| A.                     | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. |  |
|                        | <u>N/A</u>  |  |
| B.                     | Any criminal convictions of the state of Texas and the federal government.  |  |
|                        | <u>N/A</u>  |  |
| C.                     | Chronic excessive emissions events.   |  |
|                        | <u>N/A</u>  |  |
| D.                     | The approval dates of investigations. (CCEDS Inv. Track. No.)   |  |
| E.                     | Written notices of violations (NOV). (CCEDS Inv. Track. No.)  |  |
| F.                     | Environmental audits.   |  |
|                        | <u>N/A</u>  |  |
| G.                     | Type of environmental management systems (EMSs).  |  |
|                        | <u>N/A</u>  |  |
| H.                     | Voluntary on-site compliance assessment dates.  |  |
|                        | <u>N/A</u>  |  |
| I.                     | Participation in a voluntary pollution reduction program.   |  |
|                        | <u>N/A</u>  |  |
| J.                     | Early compliance.   |  |
|                        | <u>N/A</u>  |  |
| Sites Outside of Texas |   |  |
|                        | <u>N/A</u>  |  |



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
N.B. WOOD RECYCLING AND  
CONSTRUCTION, LTD.  
RN105150999**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0346-MSW-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding N.B. Wood Recycling and Construction, Ltd. ("N.B. Wood") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and N.B. Wood appear before the Commission and together stipulate that:

1. N.B. Wood owns and operated a portable wood grinder ("PWG") at a land clearing operation located on Farm-to-Market Road 2252 about one-quarter mile west of the intersection of Farm-to-Market Road 2252 and Farm-to-Market Road 3009 in Garden Ridge, Comal County, Texas ("the Site").
2. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch 361.
3. The Commission and N.B. Wood agree that the Commission has jurisdiction to enter this Agreed Order, and that N.B. Wood is subject to the Commission's jurisdiction.
4. N.B. Wood received notice of the violations alleged in Section II ("Allegations") on or about February 6, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by N.B. Wood of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Five Hundred Dollars (\$500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). N.B. Wood has paid Four Hundred Dollars (\$400) of the administrative penalty and One Hundred Dollars (\$100) is deferred contingent upon N.B. Wood's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If N.B. Wood fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require N.B. Wood to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and N.B. Wood have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that N.B. Wood has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the PWG at the Site, N.B. Wood is alleged to have failed to equip the grinder, which was not enclosed in a building, with low-velocity fog nozzles or have portable water equipment available during grinding operations, in violation of 30 TEX. ADMIN. CODE § 332.8(b)(3) and (4), as documented during an investigation conducted on January 11, 2007.

## **III. DENIALS**

N.B. Wood generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that N.B. Wood pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and N.B. Wood's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: N.B. Wood Recycling and Construction, Ltd., Docket No. 2007-0346-MSW-E" to:





Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that N.B. Wood shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, provide low-velocity fog nozzles or portable water equipment during grinding operations when using any grinder that is not enclosed inside a building, in accordance 30 TEX. ADMIN. CODE § 332.8(b)(3) and (4); and
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Municipal Solid Waste Section, Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon N.B. Wood. N.B. Wood is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.



4. If N.B. Wood fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, N.B. Wood's failure to comply is not a violation of this Agreed Order. N.B. Wood shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. N.B. Wood shall notify the Executive Director within seven days after N.B. Wood becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by N.B. Wood shall be made in writing to the Executive Director. Extensions are not effective until N.B. Wood receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against N.B. Wood in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to N.B. Wood, or three days after the date on which the Commission mails notice of the Order to N.B. Wood, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*John S. Quinn*  
For the Executive Director

7/6/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Melanie A. Pierce*  
Signature

4/3/07  
Date

Melanie A. Pierce  
Name (Printed or typed)  
Authorized Representative of  
N.B. Wood Recycling and Construction, Ltd.

Business Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1. The first of these is the fact that the  
the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the

the first of these is the fact that the